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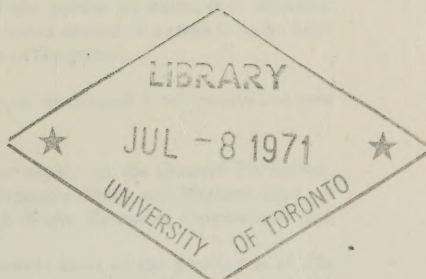
**BILL 94**

**Government Bill**


4TH SESSION, 28TH ~~LEGISLATURE~~, ~~ONTARIO~~  
20 ELIZABETH II, 1971

**An Act to Protect the Natural Environment**

THE HON. GEORGE A. KERR  
Minister of Energy and Resources Management



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## EXPLANATORY NOTES

The purposes of this Bill are to bring together the existing legislation relating to protection of the environment and to introduce new protective measures.

The Bill is structured in modules or Parts, each dealing with a separate aspect of the environment or the mechanics of its protection. The following table sets out the Parts into which the Bill is divided:

- Part I — Administration
  - II — General Provisions
  - III — Motors and Motor Vehicles
  - IV — Water
  - V — Waste Management
  - VI — Herbicides and Pesticides
  - VII — Private Sewage Disposal Systems
  - VIII — Litter
  - IX — Control Orders and Stop Orders
  - X — Appeal Board
  - XI — Provincial Officers
  - XII — Environmental Council
  - XIII — Miscellaneous

Part I sets out the purpose of the Bill and the general powers of the Minister.

The General Provisions, in Part II, are developed from *The Air Pollution Control Act, 1967* with refinements as to control orders, stop orders and appeals.

Also in Part II, it is provided that an order or approval of a Director is binding on the successor or assignee of the person to whom it is directed. In conjunction with this, an alphabetical index record of names is to be kept by the Department for search by members of the public.

Part III, Motors and Motor Vehicles, is developed from provisions now in *The Air Pollution Control Act, 1967*.

Water, in Part IV, transfers particular aspects of the General Provisions, relating to the Discharge of Sewage from Pleasure Boats, and Marinas, that are presently administered under *The Ontario Water Resources Commission Act*.

Part V, Waste Management, incorporates most of the provisions of *The Waste Management Act, 1970*. That Act, and *The Air Pollution Control Act, 1967*, are repealed in Part XIII.

The provisions of Part VI, Herbicides and Pesticides, have been separated out from *The Pesticides Act, 1967*, and those in Part VII, Private Sewage Disposal Systems, are developed from *The Public Health Act*.

Part VIII, Litter, is new as a separate topic of environmental protection. The approach in this Part follows that in the General Provisions of the Bill. The subject is defined, the general powers are set out, there are prohibition and control sections and there is power to make regulations to carry the Part into effect.

Part IX deals with the content of stop orders and control orders and Part XI deals with the powers and duties of provincial officers.

Part X deals with rights of appeal and the procedure on appeals to the Pollution Control Appeal Board.

Provision is made for the establishment of an Environmental Council in Part XII to provide research information to the Minister.

BILL 94

1971

## An Act to Protect the Natural Environment

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- (b) "Board" means the Pollution Control Appeal Board;
- (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them present in the natural environment as a result, directly or indirectly, of the activities of man;
- (d) "Department" means the Department of the Environment;
- (e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;
- (f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;
- (g) "Minister" means the Minister of the Environment;
- (h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city,

town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

- (i) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
- (j) "person" includes a municipality; a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
- (k) "person responsible" means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;
- (l) "pollutant" means any contaminant or combination of contaminants present in the natural environment, or any part thereof, in excess of the maximum permissible amount, concentration or level prescribed by the regulations, and "pollution" has a corresponding meaning;
- (m) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (n) "regulations" means the regulations made under this Act;
- (o) "source of contaminant" means anything that adds to, emits or discharges into the natural environment any contaminant;
- (p) "water" means surface water and ground water, or either of them.

## PART I

### ADMINISTRATION

Purpose  
of Act

**2.** The purpose of this Act is to provide for the protection and conservation of the natural environment.

Powers and  
duties of  
Minister

**3.** The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;
- (b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;
- (c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;
- (d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;
- (e) convene conferences and conduct seminars and educational programs relating to contaminants, pollution, waste and litter;
- (f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;
- (g) make grants and loans for,
  - (i) research or the training of persons relating to contaminants, pollution, waste or litter, and
  - (ii) the development of waste management facilities,
 in such amounts and upon such terms and conditions as the regulations may prescribe;
- (h) establish and operate demonstration and experimental waste disposal and litter disposal sites;
- (i) appoint committees to perform such advisory functions as the Minister considers advisable; and
- (j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment.

## PART II

### GENERAL PROVISIONS

4. In this Part, "Director" means,

Interpre-  
tation

- (a) the Director of the Air Management Branch of the Department;

- (b) the Director of the Waste Management Branch of the Department; and
- (c) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Agricultural  
operations  
exempt

**5.** Nothing in this Act or the regulations prohibits the disposal of animal wastes in the normal operations of a farm.

Prohibition

**6.** No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

Control  
orders

**7.** When the report of a provincial officer, filed as provided by section 83, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor.

Stop  
orders

**8.** When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant.

Approval by  
Director of  
plans and  
specifications

**9.—(1)** No person shall,

- (a) commence to construct any plant, structure or thing that will or is likely to emit or discharge a contaminant into the natural environment; or
- (b) alter or modify any plant, structure or thing where such alteration or modification will or is likely to result in the plant, structure or thing emitting or discharging a contaminant into the natural environment,

contrary to this Act or the regulations or in an amount, concentration or level in excess of that prescribed by the regulations unless the plans and specifications therefor are approved by the Director.

(2) Plans and specifications submitted to the Director under this section, Information required in plans and specifications

(a) shall show,

- (i) the location of the plant, structure or thing,
- (ii) the size and capacity of the plant, structure or thing,
- (iii) the nature of the manufacturing, processing or other operation for which the plant, structure or thing is to be used;

(b) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment during the course of the construction of the plant, structure or thing,

(i) from any equipment or material used or intended for use in its construction, or

(ii) from the plant, structure or thing;

(c) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment from the plant, structure or thing from or as the result of any manufacturing, processing or other operation for which it is to be used; and

(d) shall be in such detail as the regulations may describe.

(3) The Director may require an applicant for an approval under this section to submit any additional information that the Director considers necessary relating to the proposed plant, structure or thing or any contaminant referred to in subsection 2. Director may require additional information

(4) Subsections 1, 2 and 3 do not apply to any plant, structure or thing used in the pursuit of agriculture. Agricultural facilities exempt

**10.** Where the approval of the Director is required as to the plans and specifications of any plant, structure or thing, the Director may require such changes in the location of the plant, structure or thing, or in the plans and specifications, or both, as may be necessary to ensure that the plant, structure or thing will not emit or discharge any contaminant into the natural environment contrary to this Act or the regulations or in an amount, concentration or level in excess of that prescribed by the regulations. Powers and duties of Director

Submission  
of program

**11.**—(1) A person responsible for a source of contaminant may submit to the Minister a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of  
program

(2) When a program referred to in subsection 1 is submitted to the Minister, the Minister may refer the program to the Environmental Council for its consideration and advice.

Approval of  
program

(3) The Minister may issue an approval to be known as a "program approval", directed to the person who submitted the program.

Contents of  
approval

**12.** The Minister may, in a program approval,

- (a) set out the name of the person to whom the approval is directed;
- (b) set out the location and nature of the source of contaminant;
- (c) set out the details of the program; and
- (d) approve the program.

Approval  
not to  
prevent  
control or  
stop order

**13.** Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible.

Department  
to be  
notified  
when  
contamina-  
tion exceeds  
permitted  
level

**14.** Every person who,

- (a) deposits in, adds to, emits or discharges into the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

**15.** Notwithstanding any other provision of this Act or <sup>Prohibition</sup> the regulations, no person shall deposit, add, emit or discharge, or cause or permit the deposit, addition, emission or discharge, into the natural environment of a contaminant that,

- (a) has an offensive odour ;
- (b) may endanger the health or safety of any person ;
- (c) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life.

**16.** Every person who,

- (a) deposits in, adds to, emits or discharges into any part of the natural environment ; or <sup>Department to be notified when unusual contamination occurs</sup>
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into any part of the natural environment,

out of the normal course of events, any contaminant that,

- (c) has an offensive odour ;
- (d) may endanger the health or safety of any person ;
- (e) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life,

shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

**17.** Unless otherwise required by the context, the provisions <sup>Application of Part not restricted</sup> of this Part also apply to the subject matter of the individual Parts of this Act.

**18.** Where any person causes or permits the deposit, addi- <sup>Minister may order repair of damage</sup> tion, emission or discharge into the natural environment of a contaminant that injures or damages land or water, or plant life, the Minister, where he is of the opinion that it is in the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage.

Equipment  
to alleviate  
effect of  
contaminant

**19.** When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed.

Order or  
approval  
binds  
successor or  
assignee

**20.—**(1) An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

Index record

(2) The Department shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

Removal of  
name from  
index record

(3) When an order or approval has expired or is revoked, the Department shall remove from the index record the name of the person to whom the order or approval is directed.

Search of  
index record

(4) The Department shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record.

The Crown

**21.** The provisions of this Act are binding upon the Crown.

Subsisting  
regulations

1967, c. 2

**22.—**(1) Unless revoked or amended by the regulations made under this Act, the regulations made under *The Air Pollution Control Act, 1967*, that are in force immediately before this Act comes into force, shall remain in force as regulations made under this Act.

Subsisting  
reports, etc.

(2) Every report, recommendation, approval, order and notice made or given under *The Air Pollution Control Act, 1967* shall be deemed to be made or given, as the case may be, under this Act.

Transfer of  
proceedings

(3) Where any proceeding has been commenced before the Air Pollution Control Advisory Board, such proceeding shall be transferred to the Board under this Act.

Continuation  
of proceedings

(4) The Board may continue any proceeding referred to in subsection 3 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the secretary of the Air Pollution Control Advisory Board, or may require the proceeding or any part thereof to be commenced *de novo*.

(5) For the purpose of a proceeding referred to in subsection 3, the Board has the like powers and duties as the Air Pollution Control Advisory Board.

Powers and duties of Board where proceedings transferred

### PART III

#### MOTORS AND MOTOR VEHICLES

**23.** In this Part,

Interpretation

(a) "Director" means the Director of the Air Management Branch of the Department;

(b) "motor" means an internal combustion engine;

(c) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power.

**24.**—(1) No person shall sell, offer or expose for sale a motor or motor vehicle that when operated emits any contaminant in excess of the standards prescribed by the regulations.

Sale of motor or motor vehicle that emits excess contaminant

(2) No person shall sell, offer or expose for sale a motor or motor vehicle of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant unless such motor or motor vehicle has such system or device so installed, attached or incorporated.

Sale of motor or motor vehicle contrary to regulations

(3) Where a motor or motor vehicle is of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, no person shall remove or order or permit the removal of such system or device from such motor or motor vehicle, except for repair or replacement, where it may be operated contrary to this Act or the regulations.

Removal of device from motor or motor vehicle

(4) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

**25.**—(1) Except where necessary for test or repair purposes, no person shall operate or permit the operation of a motor or motor vehicle or any class or type thereof that does not comply with the standards prescribed in the regulations.

Operation of motor or motor vehicle

(2) Where any motor or motor vehicle is of a class or type that is required by the regulations to have installed on,

Where system or device required

attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not permit it to be operated nor shall any person knowingly operate it unless such motor or motor vehicle has installed on, attached to, or incorporated in it such system or device and such system or device is in continuous use when the motor or motor vehicle is in operation.

Offence

(3) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

## PART IV

### WATER

Interpre-  
tation

**26.** In this Part, "Director" means the Director of a branch of the Department designated by the Minister to administer this Part.

Regulations  
to continue  
in force

**27.**—(1) Unless revoked or amended by the regulations made under this Act,

(a) Ontario Regulation 284/69; and

(b) Ontario Regulation 261/70,

as amended from time to time shall remain in force as regulations made under this Act.

Subsisting  
orders, etc.  
R.S.O. 1960,  
c. 281

(2) Every order, direction, requirement and permit given or made under section 26, 27a, 27b, 28b or 50 of *The Ontario Water Resources Commission Act* shall be deemed to be made or given, as the case may be, under this Act and every such order, direction, requirement and permit, except an order under section 26 of that Act, shall continue in force until revoked, suspended or varied by the Director, or, in the case of a permit under section 28b of that Act, by the Director under Part VI of this Act.

Powers of  
Director

(3) The Director may by order revoke, suspend or vary an order, direction or requirement referred to in subsection 2, other than an order under section 26 of *The Ontario Water Resources Commission Act*, in order to,

(a) carry out the purposes of this Act; and

(b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(4) The Director referred to in Part VI of this Act may <sup>Idem</sup> revoke or suspend a permit issued under section 28*b* of *The Ontario Water Resources Commission Act* or alter the terms and conditions thereof in order to, <sup>R.S.O. 1960. c. 281</sup>

(a) carry out the purposes of this Act; and

(b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(5) In the case of an order under section 26 of *The Ontario Water Resources Commission Act*, the Director may apply to the court to continue, vary or terminate the order on such terms and conditions as the judge considers proper. <sup>Director may apply to court to continue, etc., order</sup>

## PART V

### WASTE MANAGEMENT

**28.** In this Part,

<sup>Interpre-  
tation</sup>

- (a) "Director" means the Director of the Waste Management Branch of the Department;
- (b) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (c) "owner" means a person that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;
- (d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (e) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application  
of Part

**29.** This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1960,  
c. 281

Certificate  
of approval

**30.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) after a certificate of approval has been refused; or
- (b) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems,  
sites and  
extensions

**31.** No person shall establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director.

No money  
by-law  
without  
certificate

**32.** No by-law for raising money to finance any work under section 31 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Relief from  
assent of  
electors

**33.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Condition  
precedent  
to issue of  
certificate

**34.** No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary.

**35.**—(1) No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is or is proposed to be situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

(2) Where the Minister is of the opinion that it is in the public interest that a waste disposal site be established, he may exempt an applicant from the requirement of subsection 1. Exception

(3) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister shall require a hearing by the Board to consider whether the proposed waste disposal site should be exempt from the provisions of the by-law. Minister shall require hearing where by-law affects location or operation of proposed waste disposal site

(4) Where the Minister requires a hearing under subsection 3, Where Minister requires hearing

- (a) the applicant, the municipality and any other person specified by the Board are parties to the hearing;
- (b) the Board shall sit in the municipality within which it is proposed to locate the waste disposal site; and
- (c) the Board shall deliver its final decision, including the reasons therefor, to the Minister and the parties.

(5) The Minister, after receiving the decision and the reasons of the Board, may order that the by-law referred to in subsection 3 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to affect the location or operation of such waste disposal site. Minister may make order

**36.** The deposit mentioned in clause *a* of section 34 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

**37.** An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval Publication of notice of application

shall be issued until the expiration of three weeks from the date of the last publication.

Information  
to be  
furnished

**38.** An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require.

Powers of  
Director

**39.—**(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval.

Idem

(2) The Director may refuse to issue or renew a certificate of approval or a provisional certificate of approval or may suspend or revoke a certificate of approval or a provisional certificate previously issued, where,

- (a) the application does not comply with this Part and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Part and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition  
as to deposit  
of waste

**40.** No person shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition  
as to use of  
facilities,  
etc.

**41.** No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for  
removal of  
waste

**42.—**(1) Where waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director.

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Action upon failure to comply with order

**43.** Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order.

Order by Director

**44.** Where an owner fails to comply with an order under section 43, the Director may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction.

Action upon non-compliance with order

**45.—(1)** Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner,

Right to compensation

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may by written notice received by the Department and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing *de novo* and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final.

Right to appeal

(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the

Payment of compensation

Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund.

Former  
disposal  
sites

**46.** No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

**47.** Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 42 or 43 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Existing  
applications,  
certificates,  
etc.

1970, c. 44

**48.—(1)** Every application for a certificate of approval, every refusal of a certificate of approval and every certificate of approval or provisional certificate of approval issued under *The Waste Management Act, 1970* shall be deemed to be made, refused or issued, as the case may be, under this Act.

Transfer of  
proceedings

**(2)** Where any proceeding has been commenced before the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, such proceeding shall be transferred to the Board under this Act.

Subsisting  
notices,  
etc.

**(3)** Every notice, report, recommendation, decision and order made or given under *The Waste Management Act, 1970* shall be deemed to be made or given, as the case may be, under this Act.

Subsisting  
regulations

**(4)** Every regulation made under *The Waste Management Act, 1970* that is in force immediately before this Act comes into force, shall remain in force until revoked by the regulations.

Continuation  
of proceed-  
ings

**(5)** The Board may continue any proceeding referred to in subsection 2 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the chairman or vice-chairman of the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, or may require the proceeding or any part thereof to be commenced *de novo*.

Powers and  
duties of  
Board when  
proceedings  
transferred

**(6)** For the purpose of a proceeding referred to in subsection 2, the Board has the like powers and duties as the Advisory Board or the Appeal Board, as the case may be, under *The Waste Management Act, 1970*.

## PART VI

## HERBICIDES AND PESTICIDES

**49.** In this Part,Interpre-  
tation

- (a) "Director" means the Director of a branch of the Department designated by the Minister to administer this Part;
- (b) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation by the deposit, addition, emission or discharge of any contaminant into the natural environment.

**50.—**(1) No person shall,Where  
licence  
or permit  
required

- (a) carry out or attempt to carry out an extermination;  
or
- (b) deposit, add, emit or discharge into the natural environment any substance that will or that is intended to alter the growth, development or characteristics of any vegetation or plant life,

without,

- (c) in the case of a person acting for fee or payment, a licence; or
- (d) in the case of a person acting without fee or payment, a permit,

issued by the Director.

(2) Subsection 1 does not apply to any class of persons or to substances or any quantity or concentration thereof exempted by the regulations.

**51.** Every licence holder shall insure against liability or furnish a bond in accordance with the regulations.

Liability  
insurance

**52.** The Director may refuse to issue a permit or licence, and may suspend or revoke a permit or licence where the applicant, permit holder or licence holder, as the case may be,

Refusal,  
suspension  
or cancel-  
lation of  
permits and  
licences

- (a) does not comply with the provisions of this Part and the regulations;
- (b) contravenes this Act or the regulations; or

- (c) is found guilty of incompetence, gross negligence, fraud or misrepresentation in carrying out or attempting to carry out an extermination or any action for which the permit or licence is issued.

Stop  
order

**53.** Where the Director is of the opinion, based upon reasonable and probable grounds, that an extermination, or any action referred to in clause *b* of section 50 is dangerous to the health of any person, he may issue a stop order directed to the person carrying out or attempting to carry out the extermination or the said action.

Interim  
provision  
1967, c. 74

**54.**—(1) Every application, examination, licence, permit, order, bond and regulation made under *The Pesticides Act, 1967*, and every action and proceeding taken and subsisting thereunder immediately before this Part comes into force that relates to the subject matter of this Part shall continue to subsist and shall be deemed to be in effect under this Act until amended or revoked under this Act or the regulations.

Transitional  
powers of  
Director

(2) The Director may, upon the grounds referred to in section 52, refuse to issue a licence or permit or by order suspend or revoke a licence or permit referred to in subsection 1.

Offence

**55.** Every person who contravenes any provision of this Part or the regulations relating to this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

## PART VII

### PRIVATE SEWAGE DISPOSAL SYSTEMS

Interpre-  
tation

**56.** In this Part, "Director" means the Director of a branch of the Department designated by the Minister to administer this Part.

Certificate  
of approval  
R.S.O. 1960,  
c. 281

**57.** No private sewage disposal system, except a system subject to the provisions of *The Ontario Water Resources Commission Act* and the regulations thereunder, shall be established unless a certificate of approval therefor has been issued by the Director.

Information  
to be  
furnished

**58.** An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of the work to be undertaken, together with such other information as the Director may require.

Conditions  
precedent

**59.** The Director shall not issue a certificate under this Part where,

- (a) the application does not comply with this Part or the regulations; or
- (b) the private sewage disposal system or the plans and specifications thereof do not comply with the standards prescribed in the regulations.

**60.**—(1) Where the construction, operation or maintenance of any private sewage disposal system does not comply with the standards prescribed in the regulations, the Director may make such order as he considers necessary to prevent or lessen the emission of any pollutant or to reduce, regulate, control or eliminate pollution. Powers of Director

(2) When a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction. Action upon non-compliance with order

**61.** No person shall,

- (a) repair, service, clean or empty any private sewage disposal system; or
- (b) construct, repair, service, clean or empty any private sewage disposal system,

Licence required to clean or repair private sewage disposal systems

without a licence issued by the Director.

**62.** Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order of the Director made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offences

## PART VIII

### LITTER

**63.** In this Part, "litter" includes any material abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning. Interpretation

**64.** The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or Powers of Minister

degradability of packaging or containers and in the management and disposal of litter.

Littering  
prohibited

**65.** No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.

Subsidies  
and grants

**66.** The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe.

Use or sale  
of packaging  
contrary to  
regulations

**67.** No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations.

Offences

**68.** Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$100 and on each subsequent conviction to a fine of not more than \$1,000.

## PART IX

### CONTROL ORDERS AND STOP ORDERS

Interpre-  
tation

**69.** In this Part, "Director" means,

- (a) The Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department; and
- (c) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Control  
orders

**70.** The Director may, where he is authorized by this Act to issue an order known as a "control order", order the person to whom it is directed to do any one or more of the following, namely,

- (a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;

- (b) to stop the addition, emission or discharge of the contaminant into the natural environment,
  - (i) permanently,
  - (ii) for a specified period, or
  - (iii) in the circumstances set out in the order;
- (c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;
- (d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and
- (e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment.

**71.** When a copy of a control order is served upon the person to whom it is directed, that person, Compliance with control order

- (a) shall comply with the order forthwith; or
- (b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date.

**72.** The Director may, by a further order, amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed. Further order

**73.**—(1) Where the Director proposes to issue a control order, he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof. Where Director proposes to issue control order

(2) The person to whom the Director intends to issue the control order may make submissions to the Director at any time before the control order is issued. Submissions to Director

Content of  
stop order

**74.** The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the person to whom it is directed to immediately stop or cause the source of contaminant to stop adding to, emitting or discharging into the natural environment any contaminant either permanently or for a specific period of time.

Form of  
stop order

**75.** A stop order shall be in writing and shall include written reasons for the order.

Compliance  
with stop  
order

**76.—(1)** When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation  
of stop  
order

(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed.

## PART X

### APPEAL BOARD

Pollution  
Control  
Appeal  
Board  
established

**77.—(1)** A board to be known as the Pollution Control Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Department.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(3) Three members of the Appeal Board constitute a quorum.

Remunera-  
tion

(4) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

When  
Director  
refuses  
approval,  
etc.

**78.—(1)** When the Director,

- (a) refuses to give his approval of plans and specifications;
- (b) requires a condition precedent to the giving of his approval;
- (c) refuses to issue a certificate of approval or a provisional certificate of approval;
- (d) refuses to renew a certificate of approval or a provisional certificate of approval; or

- (e) suspends or revokes a certificate of approval or a provisional certificate of approval,

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

- (2) When the Director,

- (a) refuses to issue, or cancels or suspends a licence or permit;

When  
Director  
refuses  
licence or  
permit

- (b) imposes terms and conditions in issuing a licence or permit; or

- (c) alters the terms and conditions of a licence or permit after it is issued,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

**79.** A person to whom an order of the Director is directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board.

Appeal  
of order

**80.** A hearing by the Board shall be a hearing *de novo* and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing, and the decision of the Board is final.

Powers of  
Board

**81.** The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing.

Parties to  
hearing

## PART XI

### PROVINCIAL OFFICERS

**82.** The Minister may designate officers of the Department and the Lieutenant Governor in Council may designate other persons as provincial officers for the purposes of,

Designation  
of provincial  
officers

- (a) this Act and the regulations; or

(b) specific parts or sections of this Act and the regulations thereunder.

Survey by  
provincial  
officer

**83.**—(1) A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

Report to  
be sent to  
Department  
and person  
responsible

(2) The provincial officer shall file his report of his findings and recommendations with the Department and shall serve upon the person responsible for the source of contaminant a copy thereof.

Powers of  
provincial  
officer

**84.**—(1) For purposes relevant to the subject matter of an investigation under this Act or the regulations, a provincial officer may, upon production of his designation under under section 82, enter any premises other than a dwelling at any reasonable time and make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation.

Conditions  
precedent  
to order

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any premises for purposes relevant to the subject matter of an investigation under this Act or the regulations, the provincial judge may, whether or not any examinations, tests or inquiries have been made or attempted under subsection 1, issue an order authorizing a provincial officer to enter such premises and to make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation, but every such entry, examination, test and inquiry shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the provincial officer to make the investigation at night.

Information

(3) Every person responsible for a source of contaminant shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Calling for  
assistance of  
member of  
police force

**85.** Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

**86.** No person responsible for a source of contaminant shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information. Obstruction of provincial officer

**87.**—(1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations. Testimony in civil suit

## PART XII

### ENVIRONMENTAL COUNCIL

**88.** In this Part, "Council" means the Environmental Council. Interpretation

**89.**—(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years. Environmental Council established

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment. Members

Vacancies (4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

Remuneration (5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine.

Duties of Council **90.** The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment ; and

(b) advise the Minister on such matters as he refers to it.

## PART XIII

### MISCELLANEOUS

Interpretation **91.** In this Part, "Director" means,

(a) the Director of the Air Management Branch of the Department ;

(b) the Director of the Waste Management Branch of the Department ; and

(c) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Where contaminant causes damage to crops or live stock **92.—**(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

Request for investigation (2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.

Report of investigation (3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage.

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage. Right of person responsible to view damage, etc.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of negotiation

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board. Quorum

(7) The board of negotiation may sit at any place in Ontario. Place of sitting

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. Notice of amount of claim

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation. Notice of negotiation

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim. Negotiation proceedings

**93.** Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Department as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it. Consents, notices, etc., as evidence

Regulations **94.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;
- (b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;
- (c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;
- (d) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them;
- (e) defining the desirable quality criteria of the natural environment;
- (f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;
- (g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;
- (h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;
- (i) prescribing the amounts of grants and the terms and conditions of such grants;
- (j) regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation;
- (k) amending or revoking in whole or in part the regulations made under *The Air Pollution Control Act, 1967*;
- (l) prescribing the maximum permissible concentration or level in water of any contaminant either generally

or with respect to any part of the water of Ontario specified in the regulations ;

- (m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations ;
- (n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations ;
- (o) prescribing fees that may be charged and collected by the Department for copies of documents, maps, plans and drawings supplied by the Department.

(2) The Lieutenant Governor in Council may make regulations relating to Part III, Regulations relating to Part III

- (a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation ;
- (b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any pollutant into the natural environment ;
- (c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device ;
- (d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type ;
- (e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario.

Regulations  
relating to  
Part IV

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
- (c) defining sewage for the purposes of regulations made under clauses *a* and *b*.

Regulations  
relating to  
Part V

(4) The Lieutenant Governor in Council may make regulations relating to Part V,

- (a) designating wastes in addition to those specified in clause *d* of section 28, and exempting any wastes from this Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Part or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;

- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 34;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the form of application and the procedure to be followed in applying for any compensation under this Part;
- (i) amending or revoking in whole or in part the regulations made under *The Waste Management Act, 1970*. 1970, c. 44

(5) The Lieutenant Governor in Council may make regulations relating to Part VI, Regulations relating to Part VI

- (a) prescribing classes of permit holders and licence holders, and exempting any such class from any provision of Part VI or any regulation made under this subsection and attaching conditions to any such exemption;
- (b) prescribing the qualifications of permit holders and licence holders, providing for the examination of applicants for permits and licences, and prescribing fees for such examinations;
- (c) providing for the issue and renewal of permits and licences, and prescribing the fees therefor;
- (d) requiring applicants for permits and licences, or any classes thereof, to undergo medical examinations;
- (e) fixing the amount and type of insurance or bond that shall be carried or furnished by permit holders

or licence holders and prescribing the form, requirements and terms thereof;

- (f) prescribing the procedures, conditions and notices for exterminations;
- (g) exempting any substance, machine, apparatus, equipment, or class thereof, or any land from Part VI or any regulation made under this subsection, or any provision thereof;
- (h) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
- (i) governing the signs, marking or other identification of vehicles or machines used in exterminations;
- (j) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;
- (k) classifying and designating substances used for extermination, and prohibiting any class of licence holders or permit holders from using such substances or any of them;
- (l) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (m) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (n) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (o) regulating the disposal of containers of any substance used for extermination;
- (p) prescribing the records to be kept and returns to be made by persons licensed under the regulations.

Regulations  
relating to  
Part VII

(6) The Lieutenant Governor in Council may make regulations relating to Part VII,

- (a) prescribing standards for the construction, operation and maintenance of private sewage disposal systems;

- (b) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of private sewage disposal systems;
- (c) classifying private sewage disposal systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions;
- (d) providing for the issue of certificates of approval for private sewage disposal systems, or any class thereof, prescribing terms and conditions on which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (e) governing the location of private sewage disposal systems;
- (f) designating areas in which any class of private sewage disposal system may not be established or operated;
- (g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;
- (h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;
- (i) providing for the issue and renewal of licences and the fees therefor;
- (j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted.

(7) The Lieutenant Governor in Council may make regulations relating to Part VIII, Regulations  
relating to  
Part VIII

- (a) classifying packaging and containers and exempting any class thereof from any provision of this Part or the regulations;
- (b) requiring payment of a deposit at the time of purchase of any material packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;

- (c) designating classes of packaging and containers as returnable and designating the persons to whom such returns may be made;
- (d) regulating the amount to be paid for the return of any class of packaging or container and the amount, terms and conditions of such payment;
- (e) classifying materials or any combination of materials used as packaging or containers and regulating or prohibiting the use or sale for use in Ontario of any class thereof;
- (f) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;
- (g) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;
- (h) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants.

Scope of regulations

**95.**—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both.

Adoption of codes in regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Conflict

**96.** Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail.

Certificate of analysis as evidence

**97.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Department as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature.

**98.**—(1) Any notice, decision or other document required <sup>Service</sup> to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the service <sup>When service deemed made</sup> shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

**99.** Where the Minister or the Director has authority to <sup>Enforcing performance of things required to be done</sup> order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person.

**100.** Where any provision of this Act or the regulations <sup>Power to restrain by action</sup> or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister.

**101.** No person shall give false information in any appli- <sup>False information</sup> cation, return or statement made to the Minister or the Director in respect of any matter under this Act or the regulations.

**102.**—(1) Except as otherwise provided in this Act, every <sup>Offence</sup> person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which such offence occurs or continues.

(2) Notwithstanding subsection 1, a person to whom an <sup>Exception when order or program approval complied with</sup> order or program approval of the Minister or the Director is directed who complies fully with the order or approval

shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval.

Consent of  
Minister  
required  
before  
prosecution

(3) Except with the written consent of the Minister, no information shall be laid or summons issued for any contravention of this Act or the regulations.

Repeal  
1967, c. 2  
1970, c. 44

**103.** *The Air Pollution Control Act, 1967* and *The Waste Management Act, 1970* are repealed.

Commence-  
ment

**104.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**105.** This Act may be cited as *The Environmental Protection Act, 1971*.







An Act to Protect  
the Natural Environment

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*1st Reading*

June 30th, 1971

*2nd Reading*

*3rd Reading*

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THE HON. GEORGE A. KERR  
Minister of Energy and  
Resources Management

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*(Government Bill)*

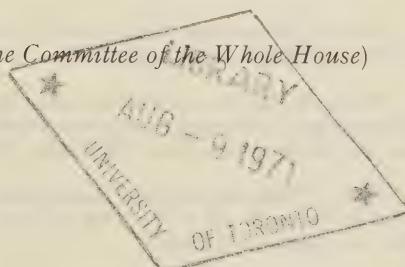
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4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

## An Act to Protect the Natural Environment

THE HON. GEORGE A. KERR  
Minister of Energy and Resources Management

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

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## EXPLANATORY NOTES

The purposes of this Bill are to bring together the existing legislation relating to protection of the environment and to introduce new protective measures.

The Bill is structured in modules or Parts, each dealing with a separate aspect of the environment or the mechanics of its protection. The following table sets out the Parts into which the Bill is divided:

Part I — Administration

II — General Provisions

III — Motors and Motor Vehicles

IV — Water

V — Waste Management

VI — Herbicides and Pesticides

VII — Private Sewage Disposal Systems

VIII — Litter

IX — Control Orders and Stop Orders

X — Appeal Board

XI — Provincial Officers

XII — Environmental Council

XIII — Miscellaneous

Part I sets out the purpose of the Bill and the general powers of the Minister.

The General Provisions, in Part II, are developed from *The Air Pollution Control Act, 1967* with refinements as to control orders, stop orders and appeals.

Also in Part II, it is provided that an order or approval of a Director is binding on the successor or assignee of the person to whom it is directed. In conjunction with this, an alphabetical index record of names is to be kept by the Department for search by members of the public.

Part III, Motors and Motor Vehicles, is developed from provisions now in *The Air Pollution Control Act, 1967*.

Water, in Part IV, transfers particular aspects of the General Provisions, relating to the Discharge of Sewage from Pleasure Boats, and Marinas, that are presently administered under *The Ontario Water Resources Commission Act*.

Part V, Waste Management, incorporates most of the provisions of *The Waste Management Act, 1970*. That Act, and *The Air Pollution Control Act, 1967*, are repealed in Part XIII.

The provisions of Part VI, Herbicides and Pesticides, have been separated out from *The Pesticides Act, 1967*, and those in Part VII, Private Sewage Disposal Systems, are developed from *The Public Health Act*.

Part VIII, Litter, is new as a separate topic of environmental protection. The approach in this Part follows that in the General Provisions of the Bill. The subject is defined, the general powers are set out, there are prohibition and control sections and there is power to make regulations to carry the Part into effect.

Part IX deals with the content of stop orders and control orders and Part XI deals with the powers and duties of provincial officers.

Part X deals with rights of appeal and the procedure on appeals to the Pollution Control Appeal Board.

Provision is made for the establishment of an Environmental Council in Part XII to provide research information to the Minister.



## An Act to Protect the Natural Environment

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- (b) "Board" means the Pollution Control Appeal Board;
- (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them present in the natural environment as a result, directly or indirectly, of the activities of man;
- (d) "Department" means the Department of the Environment;
- (e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;
- (f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;
- (g) "Minister" means the Minister of the Environment;
- (h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city,

town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

- (i) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
- (j) "person" includes a municipality; a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
- (k) "person responsible" means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;
- (l) "pollutant" means any contaminant or combination of contaminants present in the natural environment, or any part thereof, in excess of the maximum permissible amount, concentration or level prescribed by the regulations, and "pollution" has a corresponding meaning;
- (m) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (n) "regulations" means the regulations made under this Act;
- (o) "source of contaminant" means anything that adds to, emits or discharges into the natural environment any contaminant;
- (p) "water" means surface water and ground water, or either of them.

## PART I

### ADMINISTRATION

Purpose  
of Act

**2.** The purpose of this Act is to provide for the protection and conservation of the natural environment.

Powers and  
duties of  
Minister

**3.** The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;
- (b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;
- (c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;
- (d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;
- (e) convene conferences and conduct seminars and educational programs relating to contaminants, pollution, waste and litter;
- (f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;
- (g) make grants and loans for,
  - (i) research or the training of persons relating to contaminants, pollution, waste or litter, and
  - (ii) the development of waste management facilities,
 in such amounts and upon such terms and conditions as the regulations may prescribe;
- (h) establish and operate demonstration and experimental waste disposal and litter disposal sites;
- (i) appoint committees to perform such advisory functions as the Minister considers advisable; and
- (j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment.

## PART II

### GENERAL PROVISIONS

**4.** In this Part, "Director" means,

Interpre-  
tation

- (a) the Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department; and

- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister ; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

## Prohibition

**5.**—(1) No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

## Exception

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices.

## Control orders

**6.** When the report of a provincial officer, filed as provided by section 83, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations, contravenes section 14 or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor.

## Stop orders

**7.** When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant.

**8.**—(1) No person shall,

- (a) commence to construct any plant, structure or thing that will or is likely to emit or discharge a contaminant into the natural environment ;
- (b) alter or modify any plant, structure or thing where such alteration or modification will or is likely to result in the plant, structure or thing emitting or discharging a contaminant into the natural environment ;  
or
- (c) change a process or increase production so that the plant, structure, or thing will or is likely to emit or discharge a contaminant into the natural environment,

contrary to this Act or the regulations unless the plans and specifications, or change or increase, as the case may be, are approved by the Director in accordance with section 9.

(2) Plans and specifications submitted to the Director under this section, Information required in plans and specifications

(a) shall show,

- (i) the location of the plant, structure or thing,
- (ii) the size and capacity of the plant, structure or thing,
- (iii) the nature of the manufacturing, processing or other operation for which the plant, structure or thing is to be used;

(b) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment during the course of the construction of the plant, structure or thing,

- (i) from any equipment or material used or intended for use in its construction, or
- (ii) from the plant, structure or thing;

(c) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment from the plant, structure or thing from or as the result of any manufacturing, processing or other operation for which it is to be used or as a result of any change of process or increase of production; and

(d) shall be in such detail as the regulations may describe.

(3) The Director may require an applicant for an approval under this section to submit any additional information that the Director considers necessary relating to the proposed plant, structure or thing or any contaminant referred to in subsection 2. Director may require additional information

(4) Subsections 1, 2 and 3 do not apply to any plant, structure or thing used in the pursuit of agriculture. Agricultural facilities exempt

**9.** Where the approval of the Director is required as provided in section 8, the Director shall require such changes as may be necessary to ensure that the plant, structure or thing will not emit or discharge any contaminant into the natural environment contrary to this Act or the regulations. Powers and duties of Director

Submission  
of program

**10.**—(1) A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of  
program

(2) When a program referred to in subsection 1 is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of  
program

(3) The Director may issue an approval to be known as a "program approval", directed to the person who submitted the program.

Contents of  
approval

**11.** The Director shall, in a program approval,

- (a) set out the name of the person to whom the approval is directed;
- (b) set out the location and nature of the source of contaminant;
- (c) set out the details of the program; and
- (d) approve the program.

Approval  
not to  
prevent  
control or  
stop order

**12.** Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible.

Department  
to be  
notified  
when  
contamina-  
tion exceeds  
permitted  
level

**13.**—(1) Every person who,

- (a) deposits in, adds to, emits or discharges into the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**14.**—(1) Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge, or cause or permit the deposit, addition, emission or discharge, into the natural environment of a contaminant that, Prohibition

- (a) has an offensive odour;
- (b) may endanger the health or safety of any person;
- (c) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life.

(2) Clause *a* of subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**15.**—(1) Every person who,

- (a) deposits in, adds to, emits or discharges into any part of the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into any part of the natural environment,

Department  
to be  
notified  
when  
unusual  
contamina-  
tion occurs

out of the normal course of events, any contaminant that,

- (c) has an offensive odour;
- (d) may endanger the health or safety of any person;
- (e) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life,

shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**16.** Unless otherwise required by the context, the provisions of this Part also apply to the subject matter of the individual Parts of this Act. Application  
of Part not  
restricted

**17.** Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land, water, property or Minister may  
order repair  
of damage

plant life, the Minister, where he is of the opinion that it is in the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage.

Equipment  
to alleviate  
effect of  
contaminant

**18.** When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed.

Order or  
approval  
binds  
successor or  
assignee

**19.—(1)** An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

Index record

(2) The Department shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

Removal of  
name from  
index record

(3) When an order or approval has expired or is revoked, the Department shall remove from the index record the name of the person to whom the order or approval is directed.

Search of  
index record

(4) The Department shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order or approval relating to that person.

The Crown

**20.** The provisions of this Act are binding upon the Crown.

Subsisting  
regulations

1967, c. 2

**21.—(1)** Unless revoked or amended by the regulations made under this Act, the regulations made under *The Air Pollution Control Act, 1967*, that are in force immediately before this Act comes into force, shall remain in force as regulations made under this Act.

Subsisting  
reports, etc.

(2) Every report, recommendation, approval, order and notice made or given under *The Air Pollution Control Act, 1967* shall be deemed to be made or given, as the case may be, under this Act.

Transfer of  
proceedings

(3) Where any proceeding has been commenced before the Air Pollution Control Advisory Board, such proceeding shall be transferred to the Board under this Act.

Continuation  
of proceedings

(4) The Board may continue any proceeding referred to in subsection 3 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the secretary of the Air Pollution Control

Advisory Board, or may require the proceeding or any part thereof to be commenced *de novo*.

(5) For the purpose of a proceeding referred to in subsection 3, the Board has the like powers and duties as the Air Pollution Control Advisory Board.

Powers and duties of Board where proceedings transferred

### PART III

#### MOTORS AND MOTOR VEHICLES

**22.** In this Part,

Interpretation

- (a) "Director" means the Director of the Air Management Branch of the Department;
- (b) "motor" means an internal combustion engine;
- (c) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power.

**23.**—(1) No person shall sell, offer or expose for sale a motor or motor vehicle that when operated emits any contaminant in excess of the standards prescribed by the regulations.

Sale of motor or motor vehicle that emits excess contaminant

(2) No person shall sell, offer or expose for sale a motor or motor vehicle of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant unless such motor or motor vehicle has such system or device so installed, attached or incorporated.

Sale of motor or motor vehicle contrary to regulations

(3) Where a motor or motor vehicle is of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, no person shall remove or order or permit the removal of such system or device from such motor or motor vehicle, except for repair or replacement, where it may be operated contrary to this Act or the regulations.

Removal of device from motor or motor vehicle

(4) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

**24.**—(1) Except where necessary for test or repair purposes, no person shall operate or permit the operation of a motor or motor vehicle or any class or type thereof that does not comply with the standards prescribed in the regulations.

Operation of motor or motor vehicle

(2) Where any motor or motor vehicle is of a class or type that is required by the regulations to have installed on,

Where system or device required

attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not permit it to be operated nor shall any person knowingly operate it unless such motor or motor vehicle has installed on, attached to, or incorporated in it such system or device and such system or device is in continuous use when the motor or motor vehicle is in operation.

Offence

(3) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

## PART IV

### WATER

Interpre-  
tation

**25.** In this Part, "Director" means the chairman of the Ontario Water Resources Commission when so designated by the Minister, or the Director of a branch of the Department designated by the Minister to administer this Part.

Where quality  
of water  
impaired

**26.** No person shall add any substance to water that will or is likely to cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water, without a permit or licence under Part VI.

Regulations  
to continue  
in force

**27.—(1)** Unless revoked or amended by the regulations made under this Act,

(a) Ontario Regulation 284/69; and

(b) Ontario Regulation 261/70,

as amended from time to time shall remain in force as regulations made under this Act.

Subsisting  
orders, etc.  
R.S.O. 1960,  
c. 281

(2) Every order, direction, requirement and permit given or made under section 26, 27a, 27b, 28b or 50 of *The Ontario Water Resources Commission Act* shall be deemed to be made or given, as the case may be, under this Act and every such order, direction, requirement and permit, except an order under section 26 of that Act, shall continue in force until revoked, suspended or varied by the Director, or, in the case of a permit under section 28b of that Act, by the Director under Part VI of this Act.

Powers of  
Director

(3) The Director may by order revoke, suspend or vary an order, direction or requirement referred to in subsection 2,

other than an order under section 26 of *The Ontario Water Resources Commission Act*, in order to,

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(4) The Director referred to in Part VI of this Act may <sup>Idem</sup> revoke or suspend a permit issued under section 28b of *The Ontario Water Resources Commission Act* or alter the terms and conditions thereof in order to, <sup>R.S.O. 1960, c. 281</sup>

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(5) In the case of an order under section 26 of *The Ontario Water Resources Commission Act*, the Director may apply to the court to continue, vary or terminate the order on such terms and conditions as the judge considers proper. <sup>Director may apply to court to continue, etc., order</sup>

## PART V

### WASTE MANAGEMENT

**28.** In this Part,

<sup>Interpretation</sup>

- (a) "Director" means the Director of the Waste Management Branch of the Department;
- (b) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (c) "owner" means a person that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;
- (d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (e) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application  
of Part

**29.** This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1960,  
c. 281

Certificate  
of approval

**30.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) after a certificate of approval has been refused; or
- (b) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems,  
sites and  
extensions

**31.** No person shall use, operate, establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate.

No money  
by-law  
without  
certificate

**32.** No by-law for raising money to finance any work under section 31 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Relief from  
assent of  
electors

**33.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Condition  
precedent  
to issue of  
certificate

**34.** No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary.

**35.**—(1) No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is or is proposed to be situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

(2) Where the Minister is of the opinion that it is in the public interest that a waste disposal site be established, he may exempt an applicant from the requirement of subsection 1. Exception

(3) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister shall require a hearing by the Board to consider whether the proposed waste disposal site should be exempt from the provisions of the by-law. Minister shall require hearing where by-law affects location or operation of proposed waste disposal site

(4) Where the Minister requires a hearing under subsection 3, Where Minister requires hearing

(a) the applicant, the municipality and any other person specified by the Board are parties to the hearing;

(b) the Board shall sit in the municipality within which it is proposed to locate the waste disposal site; and

(c) the Board shall deliver its final decision, including the reasons therefor, to the Minister and the parties.

(5) The Minister, after receiving the decision and the reasons of the Board, may order that the by-law referred to in subsection 3 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to affect the location or operation of such waste disposal site. Minister may make order

**36.** The deposit mentioned in clause *a* of section 34 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

**37.** An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval Publication of notice of application

shall be issued until the expiration of three weeks from the date of the last publication.

Information  
to be  
furnished

**38.** An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require.

Powers of  
Director

**39.**—(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval.

Idem

(2) The Director may refuse to issue or renew a certificate of approval or a provisional certificate of approval or may suspend or revoke a certificate of approval or a provisional certificate previously issued, where,

- (a) the application does not comply with this Part and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Part and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition  
as to deposit  
of waste

**40.** No person shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition  
as to use of  
facilities,  
etc.

**41.** No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for  
removal of  
waste

**42.**—(1) Where waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director.

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Action upon  
failure to  
comply with  
order

**43.** Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order.

Order by  
Director

**44.** Where an owner fails to comply with an order under section 43, the Director may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction.

Action upon  
non-  
compliance  
with order

**45.—(1)** Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner,

Right to  
compen-  
sation

(a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and

(b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of  
decision  
and right  
to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may by written notice received by the Department and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing *de novo* and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final.

Right to  
appeal

(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the

Payment of  
compensation

Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund.

Former  
disposal  
sites

**46.** No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

**47.** Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 42 or 43 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Existing  
applications,  
certificates,  
etc.

1970, c. 44

**48.—(1)** Every application for a certificate of approval, every refusal of a certificate of approval and every certificate of approval or provisional certificate of approval issued under *The Waste Management Act, 1970* shall be deemed to be made, refused or issued, as the case may be, under this Act.

Transfer of  
proceedings

(2) Where any proceeding has been commenced before the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, such proceeding shall be transferred to the Board under this Act.

Subsisting  
notices,  
etc.

(3) Every notice, report, recommendation, decision and order made or given under *The Waste Management Act, 1970* shall be deemed to be made or given, as the case may be, under this Act.

Subsisting  
regulations

(4) Every regulation made under *The Waste Management Act, 1970* that is in force immediately before this Act comes into force, shall remain in force until revoked by the regulations.

Continuation  
of proceed-  
ings

(5) The Board may continue any proceeding referred to in subsection 2 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the chairman or vice-chairman of the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, or may require the proceeding or any part thereof to be commenced *de novo*.

Powers and  
duties of  
Board when  
proceedings  
transferred

(6) For the purpose of a proceeding referred to in subsection 2, the Board has the like powers and duties as the Advisory Board or the Appeal Board, as the case may be, under *The Waste Management Act, 1970*.

## PART VI

## HERBICIDES AND PESTICIDES

**49.** In this Part,Interpre-  
tation

- (a) "Director" means the Director of a branch of the Department designated by the Minister to administer this Part or the chairman of the Ontario Water Resources Commission when so designated by the Minister or both of them;

- (b) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation by the deposit, addition, emission or discharge of any contaminant into the natural environment.

**50.—(1)** No person shall,Where  
licence  
or permit  
required

- (a) carry out or attempt to carry out an extermination;  
or
- (b) deposit, add, emit or discharge into the natural environment any substance that will or that is intended to alter the growth, development or characteristics of any vegetation or plant life,

without,

- (c) in the case of a person acting for fee or payment, a licence; or
- (d) in the case of a person acting without fee or payment, a permit,

issued by the Director.

(2) Subsection 1 does not apply to any class of persons or to substances or any quantity or concentration thereof exempted by the regulations. Exceptions

**51.** Every licence holder shall insure against liability or furnish a bond in accordance with the regulations. Liability  
insurance

**52.** The Director may refuse to issue a permit or licence, and may suspend or revoke a permit or licence where the applicant, permit holder or licence holder, as the case may be, Refusal,  
suspension  
or cancel-  
lation of  
permits and  
licences

- (a) does not comply with the provisions of this Part and the regulations;
- (b) contravenes this Act or the regulations; or

- (c) is found guilty of incompetence, gross negligence, fraud or misrepresentation in carrying out or attempting to carry out an extermination or any action for which the permit or licence is issued.

Stop  
order

**53.** Where the Director is of the opinion, based upon reasonable and probable grounds, that an extermination, or any action referred to in clause *b* of section 50 is dangerous to the health of any person, he may issue a stop order directed to the person carrying out or attempting to carry out the extermination or the said action.

Interim  
provision  
1967, c. 74

**54.—(1)** Every application, examination, licence, permit, order, bond and regulation made under *The Pesticides Act, 1967*, and every action and proceeding taken and subsisting thereunder immediately before this Part comes into force that relates to the subject matter of this Part shall continue to subsist and shall be deemed to be in effect under this Act until amended or revoked under this Act or the regulations.

Transitional  
powers of  
Director

(2) The Director may, upon the grounds referred to in section 52, refuse to issue a licence or permit or by order suspend or revoke a licence or permit referred to in subsection 1.

Offence

**55.** Every person who contravenes any provision of this Part or the regulations relating to this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

## PART VII

### PRIVATE SEWAGE DISPOSAL SYSTEMS

Interpre-  
tation

**56.** In this Part, "Director" means the Director of a branch of the Department designated by the Minister to administer this Part.

Certificate  
of approval  
R.S.O. 1960,  
c. 281

**57.** No private sewage disposal system, except a system subject to the provisions of *The Ontario Water Resources Commission Act* and the regulations thereunder, shall be established unless a certificate of approval therefor has been issued by the Director.

Information  
to be  
furnished

**58.** An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of the work to be undertaken, together with such other information as the Director may require.

Conditions  
precedent

**59.** The Director shall not issue a certificate under this Part where,

- (a) the application does not comply with this Part or the regulations; or
- (b) the private sewage disposal system or the plans and specifications thereof do not comply with the standards prescribed in the regulations.

**60.**—(1) Where the construction, operation or maintenance of any private sewage disposal system does not comply with the standards prescribed in the regulations, the Director may make such order as he considers necessary to prevent or lessen the emission of any pollutant or to reduce, regulate, control or eliminate pollution. Powers of Director

(2) When a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction. Action upon non-compliance with order

**61.** No person shall,

- (a) repair, service, clean or empty any private sewage disposal system; or
- (b) construct, repair, service, clean or empty any private sewage disposal system,

Licence required to clean or repair private sewage disposal systems

without a licence issued by the Director.

**62.** Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order of the Director made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offences

## PART VIII

### LITTER

**63.** In this Part, "litter" includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning. Interpretation

**64.** The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or Powers of Minister

degradability of packaging or containers and in the management and disposal of litter.

Littering  
prohibited

**65.** No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.

Subsidies  
and grants

**66.** The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe.

Use or sale  
of packaging  
contrary to  
regulations

**67.** No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations.

Offences

**68.** Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$100 and on each subsequent conviction to a fine of not more than \$1,000.

## PART IX

### CONTROL ORDERS AND STOP ORDERS

Interpre-  
tation

**69.** In this Part, "Director" means,

- (a) The Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department;
- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Control  
orders

**70.** The Director may, where he is authorized by this Act to issue an order known as a "control order", order the person to whom it is directed to do any one or more of the following, namely,

- (a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;

(b) to stop the addition, emission or discharge of the contaminant into the natural environment,

(i) permanently,

(ii) for a specified period, or

(iii) in the circumstances set out in the order;

(c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment.

**71.** Subject to section 79, when a copy of a control order <sup>Compliance with control order</sup> is served upon the person to whom it is directed, that person,

(a) shall comply with the order forthwith; or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date.

**72.** The Director may, by a further order, amend, vary or <sup>Further order</sup> revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed.

**73.**—(1) Where the Director proposes to issue a control <sup>Where Director proposes to issue control order</sup> order, he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.

(2) The person to whom the Director intends to issue <sup>Submissions to Director</sup> the control order may make submissions to the Director at any time before the control order is issued.

Content of  
stop order

**74.** The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the person to whom it is directed to immediately stop or cause the source of contaminant to stop adding to, emitting or discharging into the natural environment any contaminant either permanently or for a specific period of time.

Form of  
stop order

**75.** A stop order shall be in writing and shall include written reasons for the order.

Compliance  
with stop  
order

**76.—(1)** When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation  
of stop  
order

**(2)** The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed.

## PART X

### APPEAL BOARD

Pollution  
Control  
Appeal  
Board  
established

**77.—(1)** A board to be known as the Pollution Control Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Department.

Chairman  
and vice-  
chairman

**(2)** The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

**(3)** Three members of the Appeal Board constitute a quorum.

Remunera-  
tion

**(4)** The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

When  
Director  
refuses  
approval,  
etc.

**78.—(1)** When the Director,

- (a)** refuses to give his approval of plans and specifications;
- (b)** requires a condition precedent to the giving of his approval;
- (c)** refuses to issue a certificate of approval or a provisional certificate of approval;
- (d)** refuses to renew a certificate of approval or a provisional certificate of approval; or

- (e) suspends or revokes a certificate of approval or a provisional certificate of approval,

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

(2) When the Director,

When  
Director  
refuses  
licence or  
permit

(a) refuses to issue, or cancels or suspends a licence or permit;

(b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval; or

(c) alters the terms and conditions of a licence or permit after it is issued,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit or certificate of approval or provisional certificate of approval is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

**79.**—(1) A person to whom an order of the Director is directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board.

Appeal  
of order

(2) No order, except a stop order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

Enforcement  
of order

**80.**—(1) A hearing by the Board shall be a hearing *de novo* and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing.

Powers of  
Board

(2) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board, appeal on a question of law to the county court of the county or district in which is located the source of contaminant, waste disposal site or waste management system which gives rise to the hearing before the Board.

Appeal to  
county  
court

(3) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board or

Appeal to  
Minister

within thirty days after final disposition of an appeal, if any, under subsection 2, appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest.

Parties to  
hearing

**81.** The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing.

## PART XI

### PROVINCIAL OFFICERS

Designation  
of provincial  
officers

**82.** The Minister may designate officers of the Department and the Lieutenant Governor in Council may designate other persons as provincial officers for the purposes of,

(a) this Act and the regulations; or

(b) specific parts or sections of this Act and the regulations thereunder.

Survey by  
provincial  
officer

**83.**—(1) A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

Report to  
be sent to  
Department  
and person  
responsible

(2) The provincial officer shall file his report of his findings and recommendations with the Department and shall serve upon the person responsible for the source of contaminant a copy thereof.

Powers of  
provincial  
officer

**84.**—(1) For purposes relevant to the subject matter of an investigation under this Act or the regulations, a provincial officer may, upon production of his designation under section 82, enter any premises other than a dwelling at any reasonable time and make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation.

Conditions  
precedent  
to order

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any premises for purposes relevant to the subject matter of an investigation under this Act or the regulations, the provincial judge may, whether or not any examinations, tests or inquiries have been made or attempted under subsection 1, issue an order authorizing a provincial officer to enter such premises and

to make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation, but every such entry, examination, test and inquiry shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the provincial officer to make the investigation at night.

(3) Every person responsible for a source of contaminant Information shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

**85.** Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. Calling for assistance of member of police force

**86.** No person responsible for a source of contaminant shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information. Obstruction of provincial officer

**87.**—(1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations. Testimony in civil suit

## PART XII

## ENVIRONMENTAL COUNCIL

Interpre-  
tation

**88.** In this Part, "Council" means the Environmental Council.

Environ-  
mental  
Council  
established

**89.**—(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

Members

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment.

Vacancies

(4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

Remunera-  
tion

(5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine.

Duties of  
Council

**90.** The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment; and

(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chairman.

## PART XIII

## MISCELLANEOUS

Interpre-  
tation

**91.** In this Part, "Director" means,

(a) the Director of the Air Management Branch of the Department;

(b) the Director of the Waste Management Branch of the Department ; and

(c) the chairman of the Ontario Water Resources Commission when so designated by the Minister ; and

(d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

**92.**—(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. Where contaminant causes damage to crops or live stock

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. Request for investigation

(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage. Report of investigation

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage. Right of person responsible to view damage, etc.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of negotiation

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board. Quorum

(7) The board of negotiation may sit at any place in Ontario. Place of sitting

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. Notice of amount of claim

Notice of  
negotiation

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation  
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Consents,  
notices, etc.,  
as evidence

**93.** Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Department as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it.

Regulations

**94.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;
- (b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;
- (c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;
- (d) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them;
- (e) defining the desirable quality criteria of the natural environment;

- (f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;
- (g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;
- (h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;
- (i) prescribing the amounts of grants and the terms and conditions of such grants;
- (j) regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation;
- (k) amending or revoking in whole or in part the regulations made under *The Air Pollution Control Act, 1967*; 1967, c. 2
- (l) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations;
- (m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations;
- (n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations;
- (o) prescribing fees that may be charged and collected by the Department for copies of documents, maps, plans and drawings supplied by the Department;
- (p) regulating the quality of fuels that may be used for heating, generating steam or electricity, for industrial processes or for incineration.

(2) The Lieutenant Governor in Council may make regulations relating to Part III,

Regulations  
relating to  
Part III

- (a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation;
- (b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any pollutant into the natural environment;
- (c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device;
- (d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type;
- (e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario.

Regulations  
relating to  
Part IV

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or

adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;

- (c) defining sewage for the purposes of regulations made under clauses *a* and *b*.

(4) The Lieutenant Governor in Council may make regulations relating to Part V, Regulations relating to Part V

- (a) designating wastes in addition to those specified in clause *d* of section 28, and exempting any wastes from this Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Part or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 34;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;

(h) prescribing the form of application and the procedure to be followed in applying for any compensation under this Part ;

1970, c. 44

(i) amending or revoking in whole or in part the regulations made under *The Waste Management Act, 1970*.

Regulations  
relating to  
Part VI

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

(a) prescribing classes of permit holders and licence holders, and exempting any such class from any provision of Part VI or any regulation made under this subsection and attaching conditions to any such exemption ;

(b) prescribing the qualifications of permit holders and licence holders, providing for the examination of applicants for permits and licences, and prescribing fees for such examinations ;

(c) providing for the issue and renewal of permits and licences, and prescribing the fees therefor ;

(d) requiring applicants for permits and licences, or any classes thereof, to undergo medical examinations ;

(e) fixing the amount and type of insurance or bond that shall be carried or furnished by permit holders or licence holders and prescribing the form, requirements and terms thereof ;

(f) prescribing the procedures, conditions and notices for exterminations ;

(g) exempting any substance, machine, apparatus, equipment, or class thereof, or any land from Part VI or any regulation made under this subsection, or any provision thereof ;

(h) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination ;

(i) governing the signs, marking or other identification of vehicles or machines used in exterminations ;

(j) governing, regulating or prohibiting the use, handling or storage of substances used for extermination ;

- (*k*) classifying and designating substances used for extermination, and prohibiting any class of licence holders or permit holders from using such substances or any of them;
- (*l*) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (*m*) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (*n*) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (*o*) regulating the disposal of containers of any substance used for extermination;
- (*p*) prescribing the records to be kept and returns to be made by persons licensed under the regulations.

(6) The Lieutenant Governor in Council may make regulations relating to Part VII, Regulations  
relating to  
Part VII

- (*a*) prescribing standards for the construction, operation and maintenance of private sewage disposal systems;
- (*b*) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of private sewage disposal systems;
- (*c*) classifying private sewage disposal systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions;
- (*d*) providing for the issue of certificates of approval for private sewage disposal systems, or any class thereof, prescribing terms and conditions on which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (*e*) governing the location of private sewage disposal systems;

- (f) designating areas in which any class of private sewage disposal system may not be established or operated;
- (g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;
- (h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;
- (i) providing for the issue and renewal of licences and the fees therefor;
- (j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted.

Regulations  
relating to  
Part VIII

(7) The Lieutenant Governor in Council may make regulations relating to Part VIII,

- (a) classifying packaging and containers and exempting any class thereof from any provision of this Part or the regulations;
- (b) requiring payment of a deposit at the time of purchase of any material packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;
- (c) designating classes of packaging and containers as returnable and designating the persons to whom such returns may be made;
- (d) regulating the amount to be paid for the return of any class of packaging or container and the amount, terms and conditions of such payment;
- (e) classifying materials or any combination of materials used as packaging or containers and regulating or prohibiting the use or sale for use in Ontario of any class thereof;
- (f) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;
- (g) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

- (h) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants.

**95.**—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both. Scope of regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted. Adoption of codes in regulations

**96.** Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail. Conflict

**97.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Department as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. Certificate of analysis as evidence

**98.**—(1) Any notice, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed made

**99.** Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or Enforcing performance of things required to be done

thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person.

Power to  
restrain  
by action

**100.** Where any provision of this Act or the regulations or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister.

False  
information

**101.** No person shall give false information in any application, return or statement made to the Minister or the Director in respect of any matter under this Act or the regulations.

Offence

**102.**—(1) Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which such offence occurs or continues.

Exception  
when order  
or program  
approval  
complied  
with

(2) Notwithstanding subsection 1, a person to whom an order or program approval of the Minister or the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval.

Application  
of Part VII

**103.** Part VII of this Act applies in such areas in Ontario as are designated by the Lieutenant Governor in Council by his proclamation.

Repeal  
1967, c. 2  
1970, c. 44

**104.** *The Air Pollution Control Act, 1967* and *The Waste Management Act, 1970* are repealed.

Commence-  
ment

**105.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**106.** This Act may be cited as *The Environmental Protection Act, 1971*.







An Act to Protect  
the Natural Environment

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*1st Reading*

June 30th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

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THE HON. GEORGE A. KERR  
Minister of Energy and  
Resources Management

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(Reprinted as amended by the  
Committee of the Whole House)

**BILL 94**

4TH SESSION, 28TH LEGISLATURE, ONTARIO  
20 ELIZABETH II, 1971

**An Act to Protect the Natural Environment**

THE HON. GEORGE A. KERR  
Minister of Energy and Resources Management



TORONTO

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## An Act to Protect the Natural Environment

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- (b) "Board" means the Pollution Control Appeal Board;
- (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them present in the natural environment as a result, directly or indirectly, of the activities of man;
- (d) "Department" means the Department of the Environment;
- (e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;
- (f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;
- (g) "Minister" means the Minister of the Environment;
- (h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city,

town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

- (i) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
- (j) "person" includes a municipality; a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
- (k) "person responsible" means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;
- (l) "pollutant" means any contaminant or combination of contaminants present in the natural environment, or any part thereof, in excess of the maximum permissible amount, concentration or level prescribed by the regulations, and "pollution" has a corresponding meaning;
- (m) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (n) "regulations" means the regulations made under this Act;
- (o) "source of contaminant" means anything that adds to, emits or discharges into the natural environment any contaminant;
- (p) "water" means surface water and ground water, or either of them.

## PART I

### ADMINISTRATION

#### Purpose of Act

**2.** The purpose of this Act is to provide for the protection and conservation of the natural environment.

#### Powers and duties of Minister

**3.** The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;
- (b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;
- (c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;
- (d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;
- (e) convene conferences and conduct seminars and educational programs relating to contaminants, pollution, waste and litter;
- (f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;
- (g) make grants and loans for,
  - (i) research or the training of persons relating to contaminants, pollution, waste or litter, and
  - (ii) the development of waste management facilities,
 in such amounts and upon such terms and conditions as the regulations may prescribe;
- (h) establish and operate demonstration and experimental waste disposal and litter disposal sites;
- (i) appoint committees to perform such advisory functions as the Minister considers advisable; and
- (j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment.

## PART II

### GENERAL PROVISIONS

**4.** In this Part, "Director" means,

Interpre-  
tation

- (a) the Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department; and

(c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and

(d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

**Prohibition**      **5.**—(1) No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

**Exception**            (2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices.

**Control orders**        **6.** When the report of a provincial officer, filed as provided by section 83, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations, contravenes section 14 or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor.

**Stop orders**            **7.** When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant.

**8.**—(1) No person shall,

(a) commence to construct any plant, structure or thing that will or is likely to emit or discharge a contaminant into the natural environment;

(b) alter or modify any plant, structure or thing where such alteration or modification will or is likely to result in the plant, structure or thing emitting or discharging a contaminant into the natural environment; or

(c) change a process or increase production so that the plant, structure, or thing will or is likely to emit or discharge a contaminant into the natural environment,

contrary to this Act or the regulations unless the plans and specifications, or change or increase, as the case may be, are approved by the Director in accordance with section 9.

(2) Plans and specifications submitted to the Director under this section, Information required in plans and specifications

(a) shall show,

- (i) the location of the plant, structure or thing,
- (ii) the size and capacity of the plant, structure or thing,
- (iii) the nature of the manufacturing, processing or other operation for which the plant, structure or thing is to be used;

(b) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment during the course of the construction of the plant, structure or thing,

- (i) from any equipment or material used or intended for use in its construction, or
- (ii) from the plant, structure or thing;

(c) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment from the plant, structure or thing from or as the result of any manufacturing, processing or other operation for which it is to be used or as a result of any change of process or increase of production; and

(d) shall be in such detail as the regulations may describe.

(3) The Director may require an applicant for an approval under this section to submit any additional information that the Director considers necessary relating to the proposed plant, structure or thing or any contaminant referred to in subsection 2. Director may require additional information

(4) Subsections 1, 2 and 3 do not apply to any plant, structure or thing used in the pursuit of agriculture. Agricultural facilities exempt

**9.** Where the approval of the Director is required as provided in section 8, the Director shall require such changes as may be necessary to ensure that the plant, structure or thing will not emit or discharge any contaminant into the natural environment contrary to this Act or the regulations. Powers and duties of Director

Submission  
of program

**10.—(1)** A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of  
program

(2) When a program referred to in subsection 1 is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of  
program

(3) The Director may issue an approval to be known as a "program approval", directed to the person who submitted the program.

Contents of  
approval

**11.** The Director shall, in a program approval,

- (a) set out the name of the person to whom the approval is directed;
- (b) set out the location and nature of the source of contaminant;
- (c) set out the details of the program; and
- (d) approve the program.

Approval  
not to  
prevent  
control or  
stop order

**12.** Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible.

Department  
to be  
notified  
when  
contamina-  
tion exceeds  
permitted  
level

**13.—(1)** Every person who,

- (a) deposits in, adds to, emits or discharges into the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**14.**—(1) Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge, or cause or permit the deposit, addition, emission or discharge, into the natural environment of a contaminant that, Prohibition

- (a) has an offensive odour;
- (b) may endanger the health or safety of any person;
- (c) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life.

(2) Clause *a* of subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**15.**—(1) Every person who,

- (a) deposits in, adds to, emits or discharges into any part of the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into any part of the natural environment,

Department  
to be  
notified  
when  
unusual  
contamina-  
tion occurs

out of the normal course of events, any contaminant that,

- (c) has an offensive odour;
- (d) may endanger the health or safety of any person;
- (e) may injure or damage or cause injury or damage to,
  - (i) real or personal property, or
  - (ii) plant or animal life,

shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. Exception

**16.** Unless otherwise required by the context, the provisions of this Part also apply to the subject matter of the individual Parts of this Act. Application  
of Part not  
restricted

**17.** Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land, water, property or Minister may  
order repair  
of damage

plant life, the Minister, where he is of the opinion that it is in the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage.

Equipment  
to alleviate  
effect of  
contaminant

**18.** When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed.

Order or  
approval  
binds  
successor or  
assignee

**19.—(1)** An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

Index record

**(2)** The Department shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

Removal of  
name from  
index record

**(3)** When an order or approval has expired or is revoked, the Department shall remove from the index record the name of the person to whom the order or approval is directed.

Search of  
index record

**(4)** The Department shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order or approval relating to that person.

The Crown

**20.** The provisions of this Act are binding upon the Crown.

Subsisting  
regulations

1967, c. 2

**21.—(1)** Unless revoked or amended by the regulations made under this Act, the regulations made under *The Air Pollution Control Act, 1967*, that are in force immediately before this Act comes into force, shall remain in force as regulations made under this Act.

Subsisting  
reports, etc.

**(2)** Every report, recommendation, approval, order and notice made or given under *The Air Pollution Control Act, 1967* shall be deemed to be made or given, as the case may be, under this Act.

Transfer of  
proceedings

**(3)** Where any proceeding has been commenced before the Air Pollution Control Advisory Board, such proceeding shall be transferred to the Board under this Act.

Continuation  
of proceedings

**(4)** The Board may continue any proceeding referred to in subsection 3 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the secretary of the Air Pollution Control

Advisory Board, or may require the proceeding or any part thereof to be commenced *de novo*.

(5) For the purpose of a proceeding referred to in subsection 3, the Board has the like powers and duties as the Air Pollution Control Advisory Board.

Powers and duties of Board where proceedings transferred

### PART III

#### MOTORS AND MOTOR VEHICLES

**22.** In this Part,

Interpretation

- (a) "Director" means the Director of the Air Management Branch of the Department;
- (b) "motor" means an internal combustion engine;
- (c) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power.

**23.—**(1) No person shall sell, offer or expose for sale a motor or motor vehicle that when operated emits any contaminant in excess of the standards prescribed by the regulations.

Sale of motor or motor vehicle that emits excess contaminant

(2) No person shall sell, offer or expose for sale a motor or motor vehicle of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant unless such motor or motor vehicle has such system or device so installed, attached or incorporated.

Sale of motor or motor vehicle contrary to regulations

(3) Where a motor or motor vehicle is of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, no person shall remove or order or permit the removal of such system or device from such motor or motor vehicle, except for repair or replacement, where it may be operated contrary to this Act or the regulations.

Removal of device from motor or motor vehicle

(4) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

**24.—**(1) Except where necessary for test or repair purposes, no person shall operate or permit the operation of a motor or motor vehicle or any class or type thereof that does not comply with the standards prescribed in the regulations.

Operation of motor or motor vehicle

(2) Where any motor or motor vehicle is of a class or type that is required by the regulations to have installed on,

Where system or device required

attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not permit it to be operated nor shall any person knowingly operate it unless such motor or motor vehicle has installed on, attached to, or incorporated in it such system or device and such system or device is in continuous use when the motor or motor vehicle is in operation.

Offence

(3) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

## PART IV

### WATER

Interpre-  
tation

**25.** In this Part, "Director" means the chairman of the Ontario Water Resources Commission when so designated by the Minister, or the Director of a branch of the Department designated by the Minister to administer this Part.

Where quality  
of water  
impaired

**26.** No person shall add any substance to water that will or is likely to cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water, without a permit or licence under Part VI.

Regulations  
to continue  
in force

**27.—**(1) Unless revoked or amended by the regulations made under this Act,

(a) Ontario Regulation 284/69; and

(b) Ontario Regulation 261/70,

as amended from time to time shall remain in force as regulations made under this Act.

Subsisting  
orders, etc.  
R.S.O. 1960,  
c. 281

(2) Every order, direction, requirement and permit given or made under section 26, 27a, 27b, 28b or 50 of *The Ontario Water Resources Commission Act* shall be deemed to be made or given, as the case may be, under this Act and every such order, direction, requirement and permit, except an order under section 26 of that Act, shall continue in force until revoked, suspended or varied by the Director, or, in the case of a permit under section 28b of that Act, by the Director under Part VI of this Act.

Powers of  
Director

(3) The Director may by order revoke, suspend or vary an order, direction or requirement referred to in subsection 2,

other than an order under section 26 of *The Ontario Water Resources Commission Act*, in order to,

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(4) The Director referred to in Part VI of this Act may <sup>Idem</sup> revoke or suspend a permit issued under section 28b of *The Ontario Water Resources Commission Act* or alter the terms and conditions thereof in order to, <sup>R.S.O. 1960, c. 281</sup>

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(5) In the case of an order under section 26 of *The Ontario Water Resources Commission Act*, the Director may apply to the court to continue, vary or terminate the order on such terms and conditions as the judge considers proper. <sup>Director may apply to court to continue, etc., order</sup>

## PART V

### WASTE MANAGEMENT

**28.** In this Part,

**Interpre-**  
**tation**

- (a) "Director" means the Director of the Waste Management Branch of the Department;
- (b) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (c) "owner" means a person that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;
- (d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (e) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application  
of Part

**29.** This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1960,  
c. 281

Certificate  
of approval

**30.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) after a certificate of approval has been refused; or
- (b) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems,  
sites and  
extensions

**31.** No person shall use, operate, establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate.

No money  
by-law  
without  
certificate

**32.** No by-law for raising money to finance any work under section 31 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Relief from  
assent of  
electors

**33.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Condition  
precedent  
to issue of  
certificate

**34.** No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary.

**35.**—(1) No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is or is proposed to be situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

(2) Where the Minister is of the opinion that it is in the public interest that a waste disposal site be established, he may exempt an applicant from the requirement of subsection 1. Exception

(3) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister shall require a hearing by the Board to consider whether the proposed waste disposal site should be exempt from the provisions of the by-law. Minister shall require hearing where by-law affects location or operation of proposed waste disposal site

(4) Where the Minister requires a hearing under subsection 3, Where Minister requires hearing

(a) the applicant, the municipality and any other person specified by the Board are parties to the hearing;

(b) the Board shall sit in the municipality within which it is proposed to locate the waste disposal site; and

(c) the Board shall deliver its final decision, including the reasons therefor, to the Minister and the parties.

(5) The Minister, after receiving the decision and the reasons of the Board, may order that the by-law referred to in subsection 3 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to affect the location or operation of such waste disposal site. Minister may make order

**36.** The deposit mentioned in clause *a* of section 34 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

**37.** An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval Publication of notice of application

shall be issued until the expiration of three weeks from the date of the last publication.

Information  
to be  
furnished

**38.** An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require.

Powers of  
Director

**39.**—(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval.

Idem

(2) The Director may refuse to issue or renew a certificate of approval or a provisional certificate of approval or may suspend or revoke a certificate of approval or a provisional certificate previously issued, where,

- (a) the application does not comply with this Part and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Part and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition  
as to deposit  
of waste

**40.** No person shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition  
as to use of  
facilities,  
etc.

**41.** No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for  
removal of  
waste

**42.**—(1) Where waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director.

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction. Action upon failure to comply with order

**43.** Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order. Order by Director

**44.** Where an owner fails to comply with an order under section 43, the Director may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction. Action upon non-compliance with order

**45.**—(1) Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner, Right to compensation

(a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and

(b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address. Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may by written notice received by the Department and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing *de novo* and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final. Right to appeal

(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the Payment of compensation

Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund.

Former  
disposal  
sites

46. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

47. Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 42 or 43 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Existing  
applications,  
certificates,  
etc.

1970, c. 44

48.—(1) Every application for a certificate of approval, every refusal of a certificate of approval and every certificate of approval or provisional certificate of approval issued under *The Waste Management Act, 1970* shall be deemed to be made, refused or issued, as the case may be, under this Act.

Transfer of  
proceedings

(2) Where any proceeding has been commenced before the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, such proceeding shall be transferred to the Board under this Act.

Subsisting  
notices,  
etc.

(3) Every notice, report, recommendation, decision and order made or given under *The Waste Management Act, 1970* shall be deemed to be made or given, as the case may be, under this Act.

Subsisting  
regulations

(4) Every regulation made under *The Waste Management Act, 1970* that is in force immediately before this Act comes into force, shall remain in force until revoked by the regulations.

Continuation  
of proceed-  
ings

(5) The Board may continue any proceeding referred to in subsection 2 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the chairman or vice-chairman of the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, or may require the proceeding or any part thereof to be commenced *de novo*.

Powers and  
duties of  
Board when  
proceedings  
transferred

(6) For the purpose of a proceeding referred to in subsection 2, the Board has the like powers and duties as the Advisory Board or the Appeal Board, as the case may be, under *The Waste Management Act, 1970*.

## PART VI

## HERBICIDES AND PESTICIDES

## 49. In this Part,

Interpre-  
tation

- (a) "Director" means the Director of a branch of the Department designated by the Minister to administer this Part or the chairman of the Ontario Water Resources Commission when so designated by the Minister or both of them;
- (b) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation by the deposit, addition, emission or discharge of any contaminant into the natural environment.

## 50.—(1) No person shall,

Where  
licence  
or permit  
required

- (a) carry out or attempt to carry out an extermination, or
- (b) deposit, add, emit or discharge into the natural environment any substance that will or that is intended to alter the growth, development or characteristics of any vegetation or plant life,

without,

- (c) in the case of a person acting for fee or payment, a licence; or
- (d) in the case of a person acting without fee or payment, a permit,

issued by the Director.

(2) Subsection 1 does not apply to any class of persons or to substances or any quantity or concentration thereof exempted by the regulations.

Exceptions

51. Every licence holder shall insure against liability or furnish a bond in accordance with the regulations.

Liability  
insurance

52. The Director may refuse to issue a permit or licence, and may suspend or revoke a permit or licence where the applicant, permit holder or licence holder, as the case may be,

Refusal,  
suspension  
or cancel-  
lation of  
permits and  
licences

- (a) does not comply with the provisions of this Part and the regulations;
- (b) contravenes this Act or the regulations; or

- (c) is found guilty of incompetence, gross negligence, fraud or misrepresentation in carrying out or attempting to carry out an extermination or any action for which the permit or licence is issued.

Stop  
order

**53.** Where the Director is of the opinion, based upon reasonable and probable grounds, that an extermination, or any action referred to in clause *b* of section 50 is dangerous to the health of any person, he may issue a stop order directed to the person carrying out or attempting to carry out the extermination or the said action.

Interim  
provision  
1967, c. 74

**54.**—(1) Every application, examination, licence, permit, order, bond and regulation made under *The Pesticides Act, 1967*, and every action and proceeding taken and subsisting thereunder immediately before this Part comes into force that relates to the subject matter of this Part shall continue to subsist and shall be deemed to be in effect under this Act until amended or revoked under this Act or the regulations.

Transitional  
powers of  
Director

(2) The Director may, upon the grounds referred to in section 52, refuse to issue a licence or permit or by order suspend or revoke a licence or permit referred to in subsection 1.

Offence

**55.** Every person who contravenes any provision of this Part or the regulations relating to this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

## PART VII

### PRIVATE SEWAGE DISPOSAL SYSTEMS

Interpre-  
tation

**56.** In this Part, "Director" means the Director of a branch of the Department designated by the Minister to administer this Part.

Certificate  
of approval  
R.S.O. 1960,  
c. 281

**57.** No private sewage disposal system, except a system subject to the provisions of *The Ontario Water Resources Commission Act* and the regulations thereunder, shall be established unless a certificate of approval therefor has been issued by the Director.

Information  
to be  
furnished

**58.** An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of the work to be undertaken, together with such other information as the Director may require.

Conditions  
precedent

**59.** The Director shall not issue a certificate under this Part where,

- (a) the application does not comply with this Part or the regulations; or
- (b) the private sewage disposal system or the plans and specifications thereof do not comply with the standards prescribed in the regulations.

**60.**—(1) Where the construction, operation or maintenance of any private sewage disposal system does not comply with the standards prescribed in the regulations, the Director may make such order as he considers necessary to prevent or lessen the emission of any pollutant or to reduce, regulate, control or eliminate pollution.

Powers of Director

(2) When a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction.

Action upon non-compliance with order

**61.** No person shall,

- (a) repair, service, clean or empty any private sewage disposal system; or
- (b) construct, repair, service, clean or empty any private sewage disposal system,

Licence required to clean or repair private sewage disposal systems

without a licence issued by the Director.

**62.** Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order of the Director made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offences

## PART VIII

### LITTER

**63.** In this Part, "litter" includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning.

Interpretation

**64.** The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or

Powers of Minister

degradability of packaging or containers and in the management and disposal of litter.

Littering  
prohibited

**65.** No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.

Subsidies  
and grants

**66.** The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe.

Use or sale  
of packaging  
contrary to  
regulations

**67.** No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations.

Offences

**68.** Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$100 and on each subsequent conviction to a fine of not more than \$1,000.

## PART IX

### CONTROL ORDERS AND STOP ORDERS

Interpre-  
tation

**69.** In this Part, "Director" means,

- (a) The Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department;
- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Control  
orders

**70.** The Director may, where he is authorized by this Act to issue an order known as a "control order", order the person to whom it is directed to do any one or more of the following, namely,

- (a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;

(b) to stop the addition, emission or discharge of the contaminant into the natural environment,

(i) permanently,

(ii) for a specified period, or

(iii) in the circumstances set out in the order;

(c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment.

**71.** Subject to section 79, when a copy of a control order <sup>Compliance with control order</sup> is served upon the person to whom it is directed, that person,

(a) shall comply with the order forthwith; or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date.

**72.** The Director may, by a further order <sup>Further order</sup>, amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed.

**73.**—(1) Where the Director proposes to issue a control order <sup>Where Director proposes to issue control order</sup>, he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.

(2) The person to whom the Director intends to issue the control order <sup>Submissions to Director</sup> may make submissions to the Director at any time before the control order is issued.

Content of  
stop order

**74.** The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the person to whom it is directed to immediately stop or cause the source of contaminant to stop adding to, emitting or discharging into the natural environment any contaminant either permanently or for a specific period of time.

Form of  
stop order

**75.** A stop order shall be in writing and shall include written reasons for the order.

Compliance  
with stop  
order

**76.**—(1) When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation  
of stop  
order

(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed.

## PART X

### APPEAL BOARD

Pollution  
Control  
Appeal  
Board  
established

**77.**—(1) A board to be known as the Pollution Control Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Department.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(3) Three members of the Appeal Board constitute a quorum.

Remunera-  
tion

(4) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

When  
Director  
refuses  
approval,  
etc.

**78.**—(1) When the Director,

- (a) refuses to give his approval of plans and specifications;
- (b) requires a condition precedent to the giving of his approval;
- (c) refuses to issue a certificate of approval or a provisional certificate of approval;
- (d) refuses to renew a certificate of approval or a provisional certificate of approval; or

- (e) suspends or revokes a certificate of approval or a provisional certificate of approval,

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

- (2) When the Director,

When  
Director  
refuses  
licence or  
permit

- (a) refuses to issue, or cancels or suspends a licence or permit;
- (b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval; or
- (c) alters the terms and conditions of a licence or permit after it is issued,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit or certificate of approval or provisional certificate of approval is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

**79.**—(1) A person to whom an order of the Director is directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board.

Appeal  
of order

(2) No order, except a stop order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

Enforcement  
of order

**80.**—(1) A hearing by the Board shall be a hearing *de novo* and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing.

Powers of  
Board

(2) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board, appeal on a question of law to the county court of the county or district in which is located the source of contaminant, waste disposal site or waste management system which gives rise to the hearing before the Board.

Appeal to  
county  
court

(3) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board or

Appeal to  
Minister

within thirty days after final disposition of an appeal, if any, under subsection 2, appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest.

Parties to  
hearing

**81.** The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing.

## PART XI

### PROVINCIAL OFFICERS

Designation  
of provincial  
officers

**82.** The Minister may designate officers of the Department and the Lieutenant Governor in Council may designate other persons as provincial officers for the purposes of,

(a) this Act and the regulations; or

(b) specific parts or sections of this Act and the regulations thereunder.

Survey by  
provincial  
officer

**83.—(1)** A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

Report to  
be sent to  
Department  
and person  
responsible

(2) The provincial officer shall file his report of his findings and recommendations with the Department and shall serve upon the person responsible for the source of contaminant a copy thereof.

Powers of  
provincial  
officer

**84.—(1)** For purposes relevant to the subject matter of an investigation under this Act or the regulations, a provincial officer may, upon production of his designation under section 82, enter any premises other than a dwelling at any reasonable time and make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation.

Conditions  
precedent  
to order

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any premises for purposes relevant to the subject matter of an investigation under this Act or the regulations, the provincial judge may, whether or not any examinations, tests or inquiries have been made or attempted under subsection 1, issue an order authorizing a provincial officer to enter such premises and

to make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation, but every such entry, examination, test and inquiry shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the provincial officer to make the investigation at night.

(3) Every person responsible for a source of contaminant <sup>Information</sup> shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

**85.** Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. <sup>Calling for assistance of member of police force</sup>

**86.** No person responsible for a source of contaminant shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information. <sup>Obstruction of provincial officer</sup>

**87.**—(1) Except as to information in respect of the deposit, <sup>Matters confidential</sup> addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, <sup>Testimony in civil suit</sup> other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations.

## PART XII

## ENVIRONMENTAL COUNCIL

Interpre-  
tation

**88.** In this Part, "Council" means the Environmental Council.

Environ-  
mental  
Council  
established

**89.**—(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

Members

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment.

Vacancies

(4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

Remunera-  
tion

(5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine.

Duties of  
Council

**90.** The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment; and

(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chairman.

## PART XIII

## MISCELLANEOUS

Interpre-  
tation

**91.** In this Part, "Director" means,

(a) the Director of the Air Management Branch of the Department;

- (b) the Director of the Waste Management Branch of the Department ; and
- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister ; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

**92.**—(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. Where contaminant causes damage to crops or live stock

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. Request for investigation

(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage. Report of investigation

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage. Right of person responsible to view damage, etc.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of negotiation

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board. Quorum

(7) The board of negotiation may sit at any place in Ontario. Place of sitting

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. Notice of amount of claim

Notice of  
negotiation

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation  
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Consents,  
notices, etc.,  
as evidence

**93.** Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Department as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it.

Regulations

**94.—**(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;
- (b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;
- (c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;
- (d) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them;
- (e) defining the desirable quality criteria of the natural environment;

- (f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;
- (g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;
- (h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;
- (i) prescribing the amounts of grants and the terms and conditions of such grants;
- (j) regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation;
- (k) amending or revoking in whole or in part the regulations made under *The Air Pollution Control Act, 1967*; 1967, c. 2
- (l) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations;
- (m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations;
- (n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations;
- (o) prescribing fees that may be charged and collected by the Department for copies of documents, maps, plans and drawings supplied by the Department;
- (p) regulating the quality of fuels that may be used for heating, generating steam or electricity, for industrial processes or for incineration.

(2) The Lieutenant Governor in Council may make regulations relating to Part III, Regulations relating to Part III

- (a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation;
- (b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any pollutant into the natural environment;
- (c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device;
- (d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type;
- (e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario.

Regulations  
relating to  
Part IV

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or

adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;

- (c) defining sewage for the purposes of regulations made under clauses *a* and *b*.

(4) The Lieutenant Governor in Council may make regulations relating to Part V, Regulations  
relating to  
Part V

- (a) designating wastes in addition to those specified in clause *d* of section 28, and exempting any wastes from this Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Part or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 34;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;

(h) prescribing the form of application and the procedure to be followed in applying for any compensation under this Part ;

1970, c. 44

(i) amending or revoking in whole or in part the regulations made under *The Waste Management Act, 1970*.

Regulations  
relating to  
Part VI

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

(a) prescribing classes of permit holders and licence holders, and exempting any such class from any provision of Part VI or any regulation made under this subsection and attaching conditions to any such exemption ;

(b) prescribing the qualifications of permit holders and licence holders, providing for the examination of applicants for permits and licences, and prescribing fees for such examinations ;

(c) providing for the issue and renewal of permits and licences, and prescribing the fees therefor ;

(d) requiring applicants for permits and licences, or any classes thereof, to undergo medical examinations ;

(e) fixing the amount and type of insurance or bond that shall be carried or furnished by permit holders or licence holders and prescribing the form, requirements and terms thereof ;

(f) prescribing the procedures, conditions and notices for exterminations ;

(g) exempting any substance, machine, apparatus, equipment, or class thereof, or any land from Part VI or any regulation made under this subsection, or any provision thereof ;

(h) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination ;

(i) governing the signs, marking or other identification of vehicles or machines used in exterminations ;

(j) governing, regulating or prohibiting the use, handling or storage of substances used for extermination ;

- (*k*) classifying and designating substances used for extermination, and prohibiting any class of licence holders or permit holders from using such substances or any of them ;
- (*l*) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination ;
- (*m*) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision ;
- (*n*) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof ;
- (*o*) regulating the disposal of containers of any substance used for extermination ;
- (*p*) prescribing the records to be kept and returns to be made by persons licensed under the regulations.

(6) The Lieutenant Governor in Council may make regulations relating to Part VII, Regulations relating to Part VII

- (*a*) prescribing standards for the construction, operation and maintenance of private sewage disposal systems ;
- (*b*) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of private sewage disposal systems ;
- (*c*) classifying private sewage disposal systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions ;
- (*d*) providing for the issue of certificates of approval for private sewage disposal systems, or any class thereof, prescribing terms and conditions on which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto ;
- (*e*) governing the location of private sewage disposal systems ;

- (f) designating areas in which any class of private sewage disposal system may not be established or operated;
- (g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;
- (h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;
- (i) providing for the issue and renewal of licences and the fees therefor;
- (j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted.

Regulations  
relating to  
Part VIII

(7) The Lieutenant Governor in Council may make regulations relating to Part VIII,

- (a) classifying packaging and containers and exempting any class thereof from any provision of this Part or the regulations;
- (b) requiring payment of a deposit at the time of purchase of any material packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;
- (c) designating classes of packaging and containers as returnable and designating the persons to whom such returns may be made;
- (d) regulating the amount to be paid for the return of any class of packaging or container and the amount, terms and conditions of such payment;
- (e) classifying materials or any combination of materials used as packaging or containers and regulating or prohibiting the use or sale for use in Ontario of any class thereof;
- (f) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;
- (g) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

- (h) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants.

**95.**—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both. Scope of regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted. Adoption of codes in regulations

**96.** Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail. Conflict

**97.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Department as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. Certificate of analysis as evidence

**98.**—(1) Any notice, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed made

**99.** Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or Enforcing performance of things required to be done

thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person.

Power to  
restrain  
by action

**100.** Where any provision of this Act or the regulations or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister.

False  
information

**101.** No person shall give false information in any application, return or statement made to the Minister or the Director in respect of any matter under this Act or the regulations.

Offence

**102.**—(1) Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which such offence occurs or continues.

Exception  
when order  
or program  
approval  
complied  
with

(2) Notwithstanding subsection 1, a person to whom an order or program approval of the Minister or the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval.

Application  
of Part VII

**103.** Part VII of this Act applies in such areas in Ontario as are designated by the Lieutenant Governor in Council by his proclamation.

Repeal  
1967, c. 2  
1970, c. 44

**104.** *The Air Pollution Control Act, 1967* and *The Waste Management Act, 1970* are repealed.

Commence-  
ment

**105.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**106.** This Act may be cited as *The Environmental Protection Act, 1971*.



An Act to Protect  
the Natural Environment

*1st Reading*

June 30th, 1971

*2nd Reading*

July 22nd, 1971

*3rd Reading*

July 28th, 1971

THE HON. GEORGE A. KERR  
Minister of Energy and  
Resources Management



